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**BEFORE THE  
RESPIRATORY CARE BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1H 2009 062

ALFRED JOSEPH CONDOR HORA, R.C.P.  
638 Taca Court  
Riverside, CA 92507

**ACCUSATION**

Respiratory Care Practitioner License No. 28401

Respondent.

Complainant alleges:

**PARTIES**

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about January 30, 2009, the Respiratory Care Board issued Respiratory Care Practitioner License No. 28401 to ALFRED JOSEPH CONDOR HORA, R.C.P. (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

5. Section 3718 of the Code states: “The board shall issue, deny, suspend, and revoke licenses to practice respiratory care as provided in this chapter.”

6. Section 3750 of the Code states:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“....”

“(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

“....”

7. Section 3752.6 of the Code states:

“For purposes of Division 1.5 (commencing with Section 475), and this chapter [the Respiratory Care Practice Act], a crime involving sexual misconduct or attempted sexual misconduct, whether or not with a patient, shall be considered a crime substantially related to the qualifications, functions, or duties of a respiratory care practitioner.”

8. Section 3752.7 of the Code states:

“Notwithstanding Section 3750, any proposed decision or decision issued under this chapter [Chapter 8.3, the Respiratory Care Practice Act] in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division

1 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or  
2 registrant engaged in any act of sexual contact, as defined in Section 729, with a patient,  
3 or has committed an act or been convicted of a sex offense as defined in Section 44010 of  
4 the Education Code, shall contain an order of revocation. The revocation shall not be  
5 stayed by the administrative law judge. For purposes of this section, the patient shall no  
6 longer be considered a patient of the respiratory care practitioner when the order for  
7 respiratory procedures is terminated, discontinued, or not renewed by the prescribing  
8 physician and surgeon.”

9 COST RECOVERY

10 9. Section 3753.5, subdivision (a) of the Code states:

11 "In any order issued in resolution of a disciplinary proceeding before the board,  
12 the board or the administrative law judge may direct any practitioner or applicant found to have  
13 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the  
14 investigation and prosecution of the case."

15 10. Section 3753.7 of the Code states:

16 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall  
17 include attorney general or other prosecuting attorney fees, expert witness fees, and other  
18 administrative, filing, and service fees."

19 11. Section 3753.1 of the Code states:

20 "(a) An administrative disciplinary decision imposing terms of probation may  
21 include, among other things, a requirement that the licensee-probationer pay the monetary costs  
22 associated with monitoring the probation. "

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1 **CAUSE FOR DISCIPLINE**

2 **(Acts of Corruption; Crimes Involving Sexual Misconduct**  
3 **and/or Attempted Sexual Misconduct)**

4 12. Respondent is subject to disciplinary action under section 3750, as defined  
5 by sections 3750, subdivision (j), and 3752.6, in that he committed acts and/or crimes of  
6 corruption, as well as, involving sexual misconduct and/or attempted sexual misconduct. The  
7 circumstances are as follows:

8 (A) On or about November 12, 2008, respondent commenced internet activity  
9 with an undercover officer from the Riverside County Sheriff's Department who was profiled as  
10 a "young girl." During chat sessions, respondent provided photographs of his body, engaged in  
11 sexual discussions and requested photographs of the "young girl."

12 (B) On or about February 5, 2009, respondent was arrested by officers from  
13 the Riverside County Sheriff's Department for violations of Penal Code sections 288.2,  
14 subdivision (a) [possession of inappropriate material], 288.3 [sexual communications with a  
15 minor], and 311.4, subdivision (b) [employment or use of minor to perform prohibited acts].

16 (C) On or about February 9, 2009, the Riverside County District Attorney's  
17 Office, in case number RIF 148295, before the Riverside County Superior Court, filed a felony  
18 complaint charging respondent with violating Penal Code sections 288.2, subdivision (a), 288.3,  
19 and 311.4, subdivision (b).

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3. Taking such other and further action as deemed necessary and proper.

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